

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ITT INDUSTRIES, INC., a Delaware corporation,

Case No. 1:05-CV-0674

Plaintiff/Counter-Defendant,

Honorable Robert Holmes Bell

v.

BORGWARNER INC., a Delaware corporation;  
KUHLMAN CORPORATION, a Delaware corporation;  
BRONSON SPECIALTIES, INC., a Michigan  
corporation,

Defendants/Counter-Plaintiffs/  
Cross-Plaintiffs/Cross-Defendants,

and

ROYAL OAK INDUSTRIES, d/b/a BRONSON  
PRECISION PRODUCTS, a Michigan corporation,

Defendant/Counter-Plaintiff/  
Cross-Defendant/Cross-Plaintiff

and

THE SCOTT FETZER COMPANY, a Delaware  
corporation,

Defendant/Cross-Defendant/Cross-Plaintiff

**MOTION OF THE BRONSON  
DEFENDANTS (BORGWARNER  
INC., KUHLMAN CORPORATION,  
AND BRONSON SPECIALTIES,  
INC.) FOR (1) SUMMARY  
JUDGMENT ON ITT'S CLAIM FOR  
COST RECOVERY INVOLVING  
THE NBFF OU1 SITE, AND  
(2) DISMISSAL OF ITT'S CLAIM  
FOR COST RECOVERY  
INVOLVING THE NBIA SITE**

**ORAL ARGUMENT REQUESTED**

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BORGWARNER INC., a Delaware corporation;  
KUHLMAN CORPORATION, a Delaware corporation;  
BRONSON SPECIALTIES, INC., a Michigan  
corporation; ROYAL OAK INDUSTRIES, d/b/a  
BRONSON PRECISION PRODUCTS, a Michigan  
corporation,

Third-Party Plaintiffs,

v.

L.A. DARLING CO., a Delaware corporation,

Third-Party Defendant.

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Defendants BorgWarner Inc., Kuhlman Corporation, and Bronson Specialties, Inc. (the "Bronson Defendants"), move for (1) summary judgment under Fed. R. Civ. P. 56 on Plaintiff ITT Industries, Inc.'s Count I claim for cost recovery involving the NBFF OU1 site, and (2) dismissal under Fed. R. Civ. P. 12(c) on ITT's Count I claim for cost recovery involving the NBIA site. The Bronson Defendants requested concurrence from ITT, but ITT indicated it would oppose the motion.

Dated: July 16, 2008

/s/ John J. Bursch

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